

HOUSE BILL 3063
By Westmoreland

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AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4, and Title 40.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-417, is amended by adding the following as a new subsection (L):

(L) Any person found guilty of a violation of this section that constitutes a Class A or Class B felony or attempts to commit a Class A or Class B violation of this section or conspiracy to commit a Class A or Class B violation of this section and who has at least three (3) prior Class A or Class B felony convictions or any combination thereof under the provisions of this section or 39-6-417 (repealed) or under the laws of any other state or jurisdiction, which if committed in this state would have constituted a Class A or Class B felony violation under this section or 39-6-417 (repealed) provided that such prior convictions were for violations committed at different times and on separate occasions at least 24 hours apart, shall be found to be a habitual drug offender and shall be sentenced to one range of punishment higher than the range of punishment otherwise provided for in Tennessee Code Annotated, Section 40-35-105, and in addition thereto, shall be fined not more than two hundred thousand dollars (\$200,000.00).

SECTION 2. If the district attorney general believes that a defendant should be sentenced as a habitual drug offender, he shall file notice of the defendant's record of prior convictions for violations specified in this subsection in conformity with the provisions of 40-35-202.

SECTION 3. The trial court, upon the request of the district attorney general, shall enter such injunctions, restraining orders, directions or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, liens on real property, security interests in personal property, for the purpose of collecting any fine imposed pursuant to this entire section.

SECTION 4. This act shall take effect on July 1, 1996, the public welfare requiring it.

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